

PATENT

A34093 PCT USA

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Philip George Ellis  
Serial No. : 09/786,739  
Filed : March 8, 2001  
For : BUILDING FRAME AND METHOD OF  
CONSTRUCTION

RESPONSE TO NOTICE TO FILE MISSING  
REQUIREMENTS UNDER U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)

EXPRESS MAIL LABEL NO. EF321681404US

Assistant Commissioner of Patents  
Box PCT  
Washington, D.C. 20231

Sir:

Responsive to the Notice to File Missing Requirements of Application Under U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated April 17, 2001, enclosed herewith is a Declaration referring to the above-identified application by one or more of the following in compliance with 37 U.S.C. 371:

- ( x ) Name of inventor and application serial number;
- ( x ) Name of inventor, attorney docket number which was on the application as filed, and filing date of the application;
- ( x ) Name of inventor, title of invention and filing date;
- ( ) Name of inventor, title of invention and reference to a specification which is attached to the oath or declaration at the time of execution and filed with the oath
- ( x ) Name of inventor, title of invention. As presently advised, the undersigned, a registered attorney, states that the application filed in the PTO is the application which the inventor executed by signing the oath or declaration.

Rec'd PCT/PTO 15 OCT 2001  
RESPONSE - NOTICE OF  
MISSING REQUIREMENTS

PATENT

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Also enclosed are:

1. ( <input checked="" type="checkbox"/> ) A check in the amount of	\$ <u>65.00</u>
( <input type="checkbox"/> ) \$130 - Other than Small Entity	
( <input checked="" type="checkbox"/> ) \$ 65 - Small Entity	
representing payment of the surcharge due for late filing of the Declaration pursuant to 37 C.F.R. 1.492(e);	
2. ( <input checked="" type="checkbox"/> ) An extension of time to file the Response to Missing Parts is respectfully requested. The required fee, calculated pursuant to 1.136(a), is enclosed in the amount of	\$ <u>720.00 (4-months)</u>
3. ( <input type="checkbox"/> ) Other _____	\$ _____
TOTAL FEE ENCLOSED	
\$ <u>785.00</u>	

Enclosed: Form PCT/DO/EO/905

The Commissioner is hereby authorized to charge payment of any  
additional fees associated with this communication to Deposit Account No. 02-4377. A  
duplicate copy of this sheet is enclosed.

Respectfully submitted,

10/19/2001 UEDUVIJE 00000004 09786739

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## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.		FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/786739		ELLIS	P A34093 PCT U
INTERNATIONAL APPLICATION NO.			
PCT/NZ99/00149			
I.A. FILING DATE		PRIORITY DATE	
07 SEP 99		08 SEP 98	

DATE MAILED: 17 APR 2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as  a Designated Office (37 CFR 1.494)  an Elected Office (37 CFR 1.495):

U.S. Basic National Fee.  Indication of Small Entity Status.  
 Copy of the international application.  Translation of the international application into English.  
 Oath or Declaration of inventors(s).  Translation of Article 19 amendments into English.  
 Copy of Article 19 amendments.  Other:  
 Priority Document.  
 The International Preliminary Examination Report in English and its Annexes, if any.  BAKER BOTTS L.L.P.  
 Translation of Annexes to the International Preliminary Examination Report into English.  01 APR 22 AM 8:11

2.  Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

U.S. Basic National Fee.  Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
 c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
 d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$\_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5.  Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5) Docketed

*A copy of this notice MUST be returned with this response.*

Enclosed:  PCT/DO/EO/917  
 PTO-875

Notice of Defective Translation  
 PCT/DO/EO/920

Pat Booker, Paralegal

Telephone: 703-305-3738

FORM PCT/DO/EO/905 (March 2001)

COPY TO

RBN 4/27/01

6/17/2001 By

10/17/01

RS